

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 306

SENATE BILL 1486

AN ACT

AMENDING SECTION 40-243, ARIZONA REVISED STATUTES; RELATING TO CORPORATION
COMMISSION ARBITRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-243, Arizona Revised Statutes, is amended to
3 read:

4 40-243. Conduct of hearings and investigations; representation
5 by corporate officer or employee

6 A. All hearings and investigations before the commission or a
7 commissioner shall be governed by this article, and by rules of practice and
8 procedure adopted by the commission. Neither the commission nor a
9 commissioner shall be bound by technical rules of evidence, and no
10 informality in any proceeding or in the manner of taking testimony before the
11 commission or a commissioner shall invalidate any order, decision, rule or
12 regulation made, approved or confirmed by the commission. THE COMMISSION MAY
13 ADOPT OR ADMINISTER ARBITRATION PROCEDURES TO RESOLVE COMPLAINTS OR DISPUTES
14 BROUGHT BY A PARTY AGAINST A TELECOMMUNICATIONS COMPANY, EXCEPT THAT THE
15 COMMISSION SHALL NOT SUBJECT A WIRELESS PROVIDER TO ARBITRATION UNLESS THE
16 WIRELESS PROVIDER AND CUSTOMER CONSENT IN WRITING. THIS SECTION DOES NOT
17 PROHIBIT THE COMMISSION FROM ARBITRATING DISPUTES OR COMPLAINTS AGAINST A
18 WIRELINE SERVICE PROVIDER, INVOLVING TELECOMMUNICATIONS SERVICES CONTAINED IN
19 THE BUNDLE OF SERVICES, TO THE EXTENT THE COMMISSION HAS JURISDICTION AS
20 AUTHORIZED PURSUANT TO THIS CHAPTER.

21 B. ~~Notwithstanding section 32-261,~~ In a hearing or rehearing conducted
22 pursuant to this article, a public service corporation may be represented by
23 a corporate officer or employee who is not a member of the state bar if:

24 1. The corporation has specifically authorized the officer or employee
25 to represent it.

26 2. The representation is not the officer's or employee's primary duty
27 for the corporation but is secondary or incidental to such officer's or
28 employee's duties relating to the management or operation of the corporation.

APPROVED BY THE GOVERNOR MAY 31, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 31, 2006.